



Bart L. Graham
Commissioner

State of Georgia
Department of Revenue

Suite 15300
1800 Century Boulevard
Atlanta, Georgia 30345
(404) 417-2100

NOTICE

RE: (I) Proposed amendments to Rule 560-10-13-.01 "Definitions."

(II) Proposed amendments to Rule 560-10-13-.03 "Commissioner discretion for affixing a brand to a certificate of title."

(III) Proposed repeal of Rule 375-2-13-.01 "Definitions."

TO ALL INTERESTED PERSONS AND PARTIES:

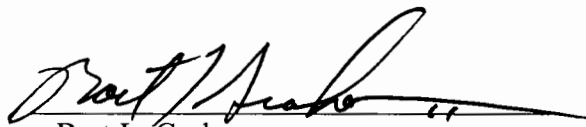
In compliance with O.C.G.A. § 50-13-4, the Georgia Department of Revenue gives notice that it proposes to amend Chapter 560-10-13 of the Rules and Regulations of the State of Georgia by adopting new Rule 560-10-13-.01, entitled "Definitions." The Department also proposes to amend Chapter 560-10-13 by adopting new Rule 560-10-13-.03, entitled "Commissioner discretion for affixing a brand to a certificate of title." Also, the Department proposes to amend Chapter 375-2-13 by repealing Rule 375-2-13-.01, entitled "Definitions."

Attached with this notice are exact copies and synopses of the proposed rules. The proposed rules are being adopted under the authority of O.C.G.A. §§ 40-3-3, 40-3-24, 40-3-36 and 40-16-5.

The Department of Revenue shall consider the adoption of the above referenced proposed Rules at 10:00 a.m. on April 17, 2006 in Suite 15300 of the Department's headquarters at 1800 Century Blvd. NE, Atlanta, GA 30345-3205.

The Department must receive all comments regarding the adoption of the above referenced respective rules from interested persons and parties no later than 10:00 a.m. April 17, 2006. Written comments must be sent to: Commissioner, Georgia Department of Revenue, 1800 Century Blvd. N.E., Suite 15300, Atlanta, GA 30345-3205. Electronic comments must be sent to regcomments@dor.ga.gov. Facsimile comments must be sent to (404) 417-6651. **Please reference "Notice Number MV-2006-1" on all comments.**

Dated: March 14, 2006


Bart L. Graham
Commissioner, Department of Revenue

SYNOPSIS

GEORGIA DEPARTMENT OF REVENUE MOTOR VEHICLE DIVISION

CHAPTER 560-10-13 SCRAPPED VEHICLES RULES AND REGULATIONS

560-10-13-.01 "Definitions."

The purpose of proposed Rule 560-10-13-.01 is to provide guidance regarding the administration of the Motor Vehicle Certificate of Title Act with respect to scrapped vehicles.

Paragraph (1) of the proposed Rule provides for definitions of the terms regarding scrapped vehicles.

**RULES
OF
DEPARTMENT OF REVENUE
MOTOR VEHICLE DIVISION**

**CHAPTER 560-10-13
SCRAPPED VEHICLES (UNDER THE MOTOR VEHICLES
CERTIFICATE OF TITLE ACT)**

560-10-13-.01 Definitions.

(1) For the purposes of Scrapped Vehicles and the Rules under 560-10-13, the following definitions and explanation of terms shall apply:

(a) Assembled. The term "assembled" means a vehicle put together from individual parts and/or major component parts by a person who is not a vehicle manufacturer.

(b) Brand. The term "brand" means a legend placed on a title by the State of Georgia or by any other jurisdiction. Every brand issued by Georgia or another jurisdiction shall be carried forward and printed on the Georgia certificate of title issued by the Department. Brands so recognized include, but are not limited to, Lemon Law, Rebuilt, Special Construction, valid and assignable certificate of title and may be subject to undisclosed liens and security interests. Out-of-state Salvage or any other brands that may be noted on the Department's records.

(c) Derelict motor vehicle. The term "derelict motor vehicle" shall have the meaning given it in O.C.G.A. § 40-11-9.

(d) Fire damaged vehicle. The term "fire damaged vehicle" shall have the same meaning given it in O.C.G.A. § 40-3-36.1.

(e) Flood damaged vehicle. The term "flood damaged vehicle" shall have the same meaning given it in O.C.G.A. § 40-3-36.1.

(f) Manufacturer buyback. The term "manufacturer buyback" shall mean a vehicle replaced or repurchased by the manufacturer pursuant to the Motor Vehicle Warranty Rights Act, O.C.G.A. § 10-1-780 et. seq.

(g) Previously salvaged motor vehicle. The term "previously salvaged motor vehicle" means a rebuilt vehicle that is not a salvage motor vehicle as that term is defined in O.C.G.A. § 40-3-2(11).

(h) Rebuilt motor vehicle. The term "rebuilt motor vehicle" shall have the same meaning given it in O.C.G.A. § 40-3-2(10).

(i) Replacement title. The term "replacement title" shall have the same meaning given it in O.C.G.A. § 40-3-31.

(j) Stolen/unrecovered. The term "stolen/unrecovered" shall mean a vehicle that has been reported stolen, on which an insurance carrier has paid a total loss claim, and which has not yet been recovered by a law enforcement agency.

(k) Surety bond title. The term "surety bond title" shall mean a title issued to a vehicle pursuant to the provisions of O.C.G.A. § 40-3-28, which title shall be branded so as to read: "This Title was issued on the basis of a surety bond and may be subject to undisclosed liens, security interests, salvage, odometer reading discrepancy, or other conditions."

(l) Vehicle. The term "Vehicle" shall have the meaning given it in O.C.G.A. § 40-1-1(75).

Scrapped Vehicles (Under the
Motor Vehicle Certificate of Title Act)

Chapter 560-10-13

(m) Wreckage or Salvage motor vehicle. The term "wreckage or salvage motor vehicle" shall have the meaning given it in O.C.G.A. § 40-3-2(11).

Authority O.C.G.A. §§ 40-3-3, 40-3-24 and 40-3-36.

PROPOSED

SYNOPSIS

GEORGIA DEPARTMENT OF REVENUE MOTOR VEHICLE DIVISION

CHAPTER 560-10-13 SCRAPPED VEHICLES RULES AND REGULATIONS

560-10-13-.03 "Commissioner discretion for affixing a brand to a certificate of title."

The purpose of proposed Rule 560-10-13-.03 is to provide guidance regarding the administration of the Motor Vehicle Certificate of Title Act with respect to scrapped vehicles.

The proposed Rule provides guidance related to affixing a brand to a certificate of title to certain scrapped vehicles.

**RULES
OF
DEPARTMENT OF REVENUE
MOTOR VEHICLE DIVISION**

**CHAPTER 560-10-13
SCRAPPED VEHICLES (UNDER THE MOTOR VEHICLES
CERTIFICATE OF TITLE ACT)**

**560-10-13-.03 Commissioner discretion for affixing a brand
to a certificate of title.**

If the Commissioner determines that an initial inspection of a vehicle cannot be made due to the failure of an insurance company to comply with O.C.G.A. § 40-3-36 and it is in the best interest of the state and or the vehicle owner not to conduct an initial inspection, the Commissioner may affix an appropriate brand to the certificate of title as defined by Georgia Law.

Authority O.C.G.A. §§ 40-3-3, 40-3-24 and 40-3-36.

SYNOPSIS

DEPARTMENT OF DRIVERS SERVICES REGISTRATION AND LICENSING OF VEHICLES

CHAPTER 375-2-13 WRECKAGE OR SALVAGED VEHICLES

375-2-13-.01 "Definitions."

Rule 375-2-13-.01 is being repealed due to the enactment of House Bill 501 by the General Assembly, which shifted the administration of motor vehicle tag and titles from the Department of Drivers Services to the Georgia Department of Revenue.

**RULES
OF
DEPARTMENT OF DRIVERS SERVICES
REGISTRATION AND LICENSING OF VEHICLES**

**CHAPTER 375-2-13
WRECKAGE OR SALVAGE VEHICLES**

375-2-13-.01 Definitions Repealed.

~~—(a) Vehicle. The term “Vehicle” shall have the meaning given it in O.C.G.A. § 40-1-1(75).~~

~~—(b) Wreckage or Salvage Vehicle. The term “wreckage or salvage vehicle shall have the meaning given it in O.C.G.A. § 40-3-2(11).~~

~~—(c) Derelict. The term “derelict” shall have the meaning given it in O.C.G.A. § 40-11-9.~~

~~—(d) Rebuilt. The term “rebuilt” shall have the same meaning given it in O.C.G.A. § 40-3-2(10).~~

~~—(e) Manufacturer buyback. The term “manufacturer buyback” shall mean a vehicle replaced or repurchased by the manufacturer pursuant to the Motor Vehicle Warranty Rights Act, O.C.G.A. § 40-1-780 et. seq.~~

~~—(f) Fire Damage. The term “fire damage” shall have the same meaning given it in O.C.G.A. § 40-2-36.1.~~

~~—(g) Surety Bond Title. The term “surety bond title” shall mean a title issued to a vehicle pursuant to the provisions of O.C.G.A. § 40-3-28, which title shall be branded so as to read: “This Title was issued on the basis of a surety bond and may be subject to~~

~~undisclosed liens, security interests, salvage, odometer reading discrepancy, or other conditions.”~~

~~—(h) Stolen/unrecovered. The term “stolen/unrecovered” shall mean a vehicle that has been reported stolen, on which an insurance carrier has paid a total loss claim, and which has not yet been recovered by a law enforcement agency.~~

~~—(i) Assembled. The term “assembled” means a vehicle put together from individual parts and/or major component parts by a person who is not a vehicle manufacturer.~~

~~—(j) Replacement title. The term “replacement title” shall have the same meaning given it in O.C.G.A. § 40-3-31.~~

~~—(k) Previously salvaged vehicle. The term “previously salvaged vehicle” means a rebuilt vehicle that is not a salvage motor vehicle as that term is defined in O.C.G.A. § 40-3-2(11).~~

~~—(l) Brand. The term “brand” means a legend placed on a title by the State of Georgia or by any other jurisdiction. Every brand issued by Georgia or another jurisdiction shall be carried forward and printed on the Georgia certificate of title issued by the Department. Brands so recognized include, but are not limited to, Lemon Law, Rebuilt, Special Construction, Valid and assignable certificate of title and may be subject to undisclosed liens and security interests. OOS Salvage or any other brands that may be noted on the Department’s records.~~

Authority O.C.G.A. §§ 40-3-3, 40-3-24, 40-3-36 and 40-16-5.